

REMARKS

Claims 61-66 are pending in this application after this amendment. Claims 1-60 have been canceled without prejudice or disclaimer to the subject matter included therein. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 61-65 under 35 U.S.C. §102(b) as being anticipated by Kusanagi (USP 6,670,966, WO00/28543); and rejected claim 66 under 35 U.S.C. §103(a) as being unpatentable over Kusanagi in view of Morris (USP 5,862,372). Applicants respectfully traverse these rejections.

Response to Restriction Requirement

During the telephone conference with the Examiner on March 23, 2009, Applicants elected Group III, claims 61-66 drawn to processing media data on a timeline or a schedule.

Rejections under 35 U.S.C. §102

The Examiner rejected claims 61-65 under 35 U.S.C. §102(b) as being anticipated by Kusanagi. At the outset, Applicants respectfully submit that U.S. Patent No. 6,670,966 is not proper prior art assertable under 35 U.S.C. §102(b) with respect to the present application.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the Examiner must provide a reference that teaches each element of the claim. See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d (BNA) 913, 920 (Fed. Cir.), *cert. denied*, 493 U.S. 853, 107 L.Ed 2d 112, 110 S.Ct. 154 (1989).

In support of the Examiner's rejection of claim 61, the Examiner asserts that Kusanagi discloses all of the elements recited in the claim while referring to Fig. 20 of Kusanagi. Applicants respectfully disagree that the teachings of Kusanagi are sufficient to anticipate all of the claim elements.

The disclosure of Kusanagi is directed to an edit data creating device and method. The apparatus of Kusanagi creates edit data specifying editing contents to arbitrarily combine edit materials. Positions of the edit materials are moved on the edit data. Adjustments are made to an end point of a first adjacent edit material upstream of the relevant edit material, and to a start point of a second adjacent edit material downstream of the relevant edit material according to the amount of movement of their respective edit materials. As a result, even if the edit materials are moved, it is possible to maintain the continuity between the adjacent edit materials on both sides and the moved edit material. (Abstract).

Fig. 20 depicts a screen shot of a main screen of a graphical user interface. At col. 19, lines 14-62, Fig. 20 is described as follows:

By the way, FIG. 20 shows a case where the OUT point of the first clip (50A) of the first video track 35C is moved backward. In this case, when the second video track 35E reflects the adjustment, then the GUI lengthens the length of a blank BLK at the time position of the OUT pint of the first clip of the first video track 35C according to the trimming adjustment of the first clip 50A, and in this way, moves backward all the clips following the relevant blank BLK (51A and 51B). In this way, since all the clips (50B, 50C and 50D) after the OUT point (trimming adjustment point) of the trimming-adjusted clip (50A) of the first video track 35C and all the clips(51A and 51B) after the trimming adjustment point in the second video track 35E are moved likewise, the correlation between the clips of the two video tracks is maintained and their continuity is maintained.

As in case of the video track, if trimming adjustment is performed on the clip (52A) for the first and second audio tracks 35G and 35H, the clips of the first audio track 35G and the second audio track 35H are moved while maintaining their positional correlation and thus the continuity of the clips is maintained.

By the way, trimming adjustment of only one track can be performed by clicking on the single trim button 33X (FIG. 20) provided at the top of the editing list creation section 35 instead of the setting by the mouse cursor above, and furthermore, trimming adjustment can also be reflected in a plurality of tracks by clicking the dual trim button 33Y (FIG. 20). Then, slide trimming adjustment, that is, adjusting the position on the time line of clips pasted on the time line tracks of the editing list creation section 35 without changing their lengths and contents is explained.

That is, the operator clicks on the clip subject to a slide trimming adjustment of the first video track 35C specified as a directly editable track of the editing list creation section 35

of the aforementioned main screen in FIG. 6 using the mouse cursor and at the same time clicks on the slide trim button 34A provided at the top of the editing list creation section 35, and in this way adjusts the OUT point of the adjacent clip on the left side of the selected clip and the IN point of the adjacent clip on the right side of the selected clip by the same amount of adjustment in the same direction and can move their positions on the time line without changing the contents of the selected clip. If the clips exist in the first and second video tracks 35C and 35E, this processing is performed on not only the track with the clip subject to slide trimming adjustment but also the other track. On the contrary, if the clip exists only in the track with the clip subject to slide trimming adjustment, the processing is performed only on this track.

As can be seen from the above disclosure, Kusanagi merely discloses the ability of the user to edit video tracks so that the correlation between the clips of the two video tracks is maintained and their continuity is maintained.

In contrast, claim 61 requires that the multimedia contents data is processed so that predetermined media data is reproduced in said reproducing unit of said data processing device at a predetermined time on the basis of said schedule describing unit, a predetermined input operation is received by said inputting unit of said data processing device at said predetermined time, and said data processing device carries out a process that corresponds to said predetermined input operation at said predetermined time on the basis of said input operation describing unit.

Applicants respectfully submit that the editing functionality discussed in Kusanagi above is insufficient to teach this claim element. In Kusanagi, the editing process is not taking place at the time the predetermined media data is reproduced in the reproducing unit at a predetermined time on the basis of the schedule describing unit. The editing process of Kusanagi is merely adjusting the scheduling of prerecorded video data.

Further, in Kusanagi, the input operation of the user in editing the video is not entered “at said predetermined time”, which is the time the media data is reproduced. Still further, the input operation is not received at “the predetermined time”, which is the same time that the data processing device carries out a process that corresponds to the predetermined input operation. Finally, the process that is carried out is not on the basis of the input operation describing unit.

For at least these reasons, Applicants respectfully submit that the teachings of Kusanagi are insufficient to anticipate “said multimedia contents data is processed so that predetermined media data is reproduced in said reproducing unit of said data processing device at a predetermined time on the basis of said schedule describing unit, a predetermined input operation is received by said inputting unit of said data processing device at said predetermined time, and said data processing device carries out a process that corresponds to said predetermined,” as required by claim 61. Thus, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 62-66 are allowable for the reasons set forth above with regard to claim 61 at least based on their dependency on claim 61.

Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: June 26, 2009

Respectfully submitted,

By 

Catherine M. Voisinet

Registration No.: 52,327

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants